**THE HON'BLE MR JUSTICE V.V.S.RAO**

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WRIT PETITION No.789 of 2006

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**25.01.2006**

Between:

Singarapu Yugendhar, S/o.S.Komuraiah

... Petitioner

AND

The Secretary, Municipal Administration and

Urban Development, Government of Andhra Pradesh,

Secretariat, Hyderabad

And another

...Respondents

**THE HON'BLE MR JUSTICE V.V.S.RAO**

WRIT PETITION No.789 of 2006

ORDER:

The petitioner claims to be the owner of property bearing house No.1-7-241 constructed in open land in survey No.481/A. He alleges that he acquired the ownership by reason of a gift deed executed by his father and this property was mutated in his name. It appears, one Mr.Thumma Shourie Reddy (not made party to this writ petition) gave a representation to the second respondent alleging that he is pattadar of the land in survey No.481/A of Waddapally shivar at Revenue Colony, Hanamkonda, that the petitioner's father encroached upon the land and constructed a house making false representation before the Commissioner of Warangal Municipal Corporation. Considering the said representation, the second respondent issued a show cause notice dated 06.12.2005 calling upon the petitioner to produce relevant documents and link documents like title deeds pertaining to the land within three days. The petitioner did not produce any document nor submitted any representation. Therefore, the second respondent by impugned proceedings dated 27.12.2005 ordered to cancel the assessment in favour of the petitioner and further directed to approach the civil court for establishment of his title to the property.

The matter was initially listed before the vacation court on 10.1.2006 and the same

was adjourned. Again, when the matter was listed on 23.1.2006, time was sought. Today, the matter is appearing in the 'Motion List' for admission. In spite of the same, Sri Mohammed Kareemuddin, learned Advocate representing Sri K.Jeo Rathan Raj, learned Counsel for the petitioner sought for adjournment. As the matter is coming for admission repeatedly, adjournment is refused.

The learned Standing Counsel for Warangal Municipal Corporation submits that the Commissioner has followed the procedure under Section 225 of Hyderabad Municipal Corporations Act, 1955 (HMC Act, for brevity) while cancelling the assessment, and the order does not suffer from any illegality. A perusal of the impugned order would show that the second respondent passed orders in accordance with Section 225 of HMC Act and the HMC (Registry of the transfer of ownership of properties in the Assessment Book) Rules, 1965. When Mr.Shourie Reddy complained to the second respondent about the misrepresentation made by the petitioner's father, the second respondent issued a notice before cancelling the assessment. The petitioner failed to produce any documentary evidence to show his title. Therefore, the second respondent is justified in passing the order. If the petitioner is aggrieved, he has to approach the civil court and establish his title.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

January 25, 2006.

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